

United States District Court
Eastern District of California

Delonzo Gallon,

Plaintiff,

vs.

D. L. Runnels, et al.,

Defendants.

No. Civ. S 04-2422 MCE PAN P

Findings and Recommendations

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June 3, 2005, the court dismissed plaintiff's complaint for failure to state a claim upon which relief could be granted, explained the deficiencies and allowed plaintiff 45 days to file an amended complaint correcting them. The 45-day period now has expired and plaintiff has not filed an amended complaint.

Accordingly, I hereby recommend that this action be dismissed for failure to state a claim upon which relief could be granted. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(g).

Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these

1 findings and recommendations are submitted to the United States
2 District Judge assigned to this case. Written objections may be
3 filed within 20 days of service of these findings and
4 recommendations. The document should be captioned "Objections to
5 Magistrate Judge's Findings and Recommendations." The district
6 judge may accept, reject, or modify these findings and
7 recommendations in whole or in part.

8 Dated: August 30, 2005.

9 /s/ Peter A. Nowinski

10 PETER A. NOWINSKI

11 Magistrate Judge
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